

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MONTGOMERY CARL AKERS,

Plaintiff,

vs.

JAMES KESZEI, *et al.*,

Defendants.

Case No. 2:07-cv-00572-JCM-GWF

ORDER

Motion for Reconsideration (#284) and
 Motion for Copies (#285)

This matter is before the Court on Plaintiff Montgomery Carl Akers' Renewed Motion for Extension of Time in Order to Comply with the Court's Order Doc. 278 (#284), filed February 10, 2011, and Renewed Motion to Supply Copies of the Plaintiff's Amended Complaint for Service Upon the United States Marshal Service for Service Upon Defendant James Keszei and Nicholas Voulgaris (#285), filed February 22, 2011.

On January 11, 2011, the Court ordered the Clerk of the Court to mail two copies of Plaintiff's Amended Complaint (#278) to Plaintiff. In the present motion, Plaintiff states that the Clerk of the Court mistakenly sent him a different amended complaint (#264) than the amended complaint filed as docket number 278. Upon review of the docket, Plaintiff's Amended Complaint (#278) is the same proposed amended complaint Plaintiff filed as an exhibit to his Motion to Amend Complaint (#264).

Neither filing, however, includes an attachment (#265) that Plaintiff submitted on October 15, 2010 to be added to his proposed amended complaint (#264). When the Court reviewed the proposed amended complaint and granted Plaintiff's leave to amend, it neglected to order that the amended complaint (#264) and attachment to the amended complaint (#265) be filed as one document. The Court will rectify this error by ordering that the two filings be combined into one amended complaint,


1 that this complete amended complaint shall be filed in the docket and that Plaintiff should be served
2 with one copy of the complete amended complaint. Accordingly,

3 **IT IS HEREBY ORDERED** that the Clerk of the Court shall file Plaintiff's Amended
4 Complaint (#264 at 6-16) together with Plaintiff's Attachment to Amended Complaint (#265) in one
5 docket entry. Once the amended complaint and attachment are combined into one document and filed,
6 the Clerk of the Court shall mail one copy of the new filing to the current address on file for Plaintiff.

7 **IT IS FURTHER ORDERED** that Plaintiff's Renewed Motion to Supply Copies of the
8 Plaintiff's Amended Complaint for Service Upon the United States Marshal Service for Service Upon
9 Defendant James Keszei and Nicholas Voulgaris (#285) is **granted**.

10 **IT IS FURTHER ORDERED** that Plaintiff Montgomery Carl Akers' Renewed Motion for
11 Extension of Time in Order to Comply with the Court's Order Doc. 278 (#284) is **granted** as follows:
12 The Clerk of the Court shall send the required USM-285 forms to Plaintiff. Plaintiff shall have twenty
13 (20) days to complete the required USM-285 forms and furnish them to the U.S. Marshals Office at 333
14 Las Vegas Blvd. South, Suite 2058, Las Vegas, Nevada 89101. After Plaintiff receives copies of the
15 completed USM-285 forms from the U.S. Marshal, he has twenty (20) days to file a notice with the
16 court identifying if Defendants were served. If Plaintiff wishes to have the U.S. Marshal attempt service
17 again on any unserved defendant, then a motion must be filed with the court identifying the unserved
18 defendant, specifying a more detailed name and address and indicating whether some other manner of
19 service should be used. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, service must be
20 accomplished within one hundred twenty (120) days from the date that the amended complaint was
21 filed.

22 DATED this 7th day of March, 2011.

23
24 
25 **GEORGE FOLEY, JR.**
26 **UNITED STATES MAGISTRATE JUDGE**
27
28